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SIPDIS

SENSITIVE

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SUBJECT: JANUARY-NOVEMBER 2004 DATA ON TIP PROSECUTION AND CONVICTIONS

Sensitive but unclassified. Please protect accordingly.

SUMMARY

11. (SBU) According to data on Trafficking in Persons (TIP) provided by the Ministry of Foreign Affairs (MFA) for the period between January 1, 2004 and November 1, 2004, there have been 15 cases of trafficking in Armenia involving 26 defendants. While most of those people were sentenced to prison, the Article of the Criminal Code on Trafficking was applied only in one case. Comparison with data for 2003 shows a 25 percent increase in cases investigated. End Summary.

LEGISLATIVE BACKGROUND

12. (U) Trafficking in persons was defined as a crime August 1, 2003 when the new Armenian Criminal Code entered into force. TIP crimes committed prior to this date were prosecuted on charges of organization of prostitution (i.e., pimping). Law-enforcement bodies have used the term "pimping abroad" in order to simplify statistics and differentiate trafficking from traditional forms of pimping. The Criminal Code contains the following provisions: trafficking in persons covered under Article 132; involvement in prostitution under Article 261; organization of prostitution (pimping) under Article 262.

CASES AND CONVICTIONS

13. (SBU) Based on data provided by the Information Center of the Republic of Armenia (RA) Police, in the first eleven months of 2004 the Prosecutor's office and the Police have investigated 24 criminal cases of sexual exploitation of women involving 37 defendants. Fifteen of these cases (involving 26 people) were determined to be related to trafficking. Those 26 defendants received the following sentences:

-- Imprisonment	--16 people (61.5 percent);
-- Fines	-- 4 people (15.4 percent);
-- Suspended sentences	-- 4 people (15.4 percent); and
-- Corrective Labor	-- 2 people (7.7 percent).

These cases were prosecuted under Articles 261, 262 and 132 of the Criminal Code.

ARTICLES APPLIED

14. (SBU) Article 132 on Trafficking was invoked only in one case involving 3 persons, who were all sentenced to prison (for terms ranging from 2 years to 4.5 years). Article 261 on Involvement into Prostitution was also applied once. In this case the defendant was penalized in the amount of approximately USD 390. Article 262 was applied in 13 criminal cases involving 22 persons: 13 of those were sentenced to jail (for terms ranging from 6 month to 3 years), 3 persons were penalized approximately USD 650, and 2 were sentenced to corrective labor.

COMPARISON WITH 2003 DATA

15. (SBU) Compared with data from 2003 (TIP Report 2004) these reports indicate a roughly 25 percent increase in the number of cases investigated. In addition, traffickers prosecuted in 2004 received harsher punishments than during 2003. In 2003 the police

initiated 2 cases under Article 132 and 17 cases under Article 262. Of the latter, however, only nine were trafficking cases (for a total of eleven cases). The sentences handed down ranged from fines and correctional labor to one-year imprisonment.

EVANS